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CASIMIRO JOSE CANHA CAVACO DIAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In the Matter of I.D., N.D., and C.D.:

CASIMIRO JOSE CANHA CAVACO DIAS

Petitioner,

and

RULA NABIL KHOURY CAVACO DIAS

Respondent.

Case No. 3:24-cv-04471-EMC

**PETITIONER'S RESPONSES AND
OBJECTIONS TO RESPONDENT'S
REQUEST FOR PRODUCTION OF
DOCUMENTS**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Casimiro Jose Canha Cavaco Dias ("Petitioner" or "Mr. Dias"), by and through the undersigned counsel, hereby submit these responses and objections to Rula Nabil Khoury Cavaco Dias's ("Respondent" or "Ms. Dias") Request for Production of Documents.

PRELIMINARY STATEMENT

1
2 1. Petitioner has not completed his investigation related to this action and has not
3 completed preparation for trial. These responses reflect the current state of Petitioner's
4 knowledge, understanding and belief with respect to the matters addressed in the Respondent's
5 Request for Production. These responses are neither intended as, nor shall in any way be deemed,
6 as an admission or representation that further information or documents do not exist. Pursuant to
7 Fed. R. Civ. P. 26, Petitioner reserves the right to modify or supplement its responses with such
8 pertinent information as it may subsequently discover. Furthermore, these responses are given
9 without prejudice to Petitioner's right to use or rely on at any time, including trial, subsequently
10 discovered information or documents, or information or documents omitted from these answers
11 as a result of, among other things, mistake, error, oversight or inadvertence. Petitioner declines
12 to produce multiple copies of documents and each document which is produced and identified as
13 responsive to any request is also produced pursuant to any other to any other request to which it
14 is or may be responsive. Petitioner declines to produce and send documents to Respondent which
15 were already produced by Petitioner or by Respondent herself in the course of this proceeding.
16

17
18 2. The fact that Petitioner responds to any Document Request shall not be construed
19 as a waiver of all or any part of the objections interposed by Petitioner to any Document Request.

20 3. Nothing contained herein is intended to be, nor shall in any way be construed as,
21 a waiver of any attorney-client privilege, work-product protection, right to privacy, or any other
22 applicable privilege, immunity, or protection. Any inadvertent inspection and subsequent
23 production of any privileged information shall not constitute a waiver of any of the rights or
24 privileges of Petitioner, and Petitioner reserves the right to demand the return of any such
25 document and all copies thereof. To the extent that any Document Request may be construed as
26 calling for disclosure of documents or information protected by any privilege, immunity, or
27 protection, a continuing objection is hereby interposed.
28

1 4. Petitioner's response to a specific Document Request should not be construed as
2 an admission that Petitioner accepts or admits the existence of any documents, evidence, fact
3 and/or thing, and/or the validity of any legal argument, set forth in or assumed by such Document
4 Request.

5 5. The fact that Petitioner produces documents in response to a Document Request
6 does not mean that any of these documents constitute admissible evidence.

7 6. Petitioner has not completed his investigation of the facts relating to this case and
8 has not completed preparation for trial. The following responses are based upon information
9 presently available to Petitioner and are made without prejudice to the right to utilize subsequently
10 discovered facts, witnesses, documents or things, or legal arguments. Petitioner specifically
11 reserves the right to supplement these responses and to do so to the extent required or permitted
12 under the Federal Rules of Civil Procedure.
13

14 **GENERAL OBJECTIONS**

15 7. Petitioner's specific objections to each discovery demand are in addition to the
16 general limitations and objections set forth in this section. These limitations and objections form
17 a part of the response to each demand and are set forth here to avoid the duplication and repetition
18 of restating them for each response. The absence of a reference to a general objection should not
19 be construed as a waiver of the general objection as to the specific request.
20

21 8. Petitioner objects to any and all Document Requests, Definitions, and/or
22 Instructions to the extent they purport to impose obligations greater than those imposed by the
23 Federal Rules of Civil Procedure and/or Local Rules of the United States District Court for the
24 Northern District of California. Petitioner will respond to the demand in accordance with the
25 requirements of the FRCP or the rules of this Court.
26

27 9. Petitioner objects to the Document Request to the extent that they are vague,
28 ambiguous, cumulative, duplicative, overbroad, unduly burdensome, based on incorrect factual

1 assumptions or otherwise unclear as to the precise information sought, and to the extent that they
2 seek factual information neither relevant nor reasonably calculated to lead to the discovery of
3 admissible evidence. To the extent that a demand is vague or ambiguous, Petitioner has responded
4 to the best of his ability but has not attempted to speculate as to the meaning thereof.

5 10. Petitioner objects to any and all Document Requests to the extent that they seek
6 documents, information or materials that are or were readily available to the Respondent.

7 11. Petitioner objects to the demands to the extent that they seek information or
8 materials not in Petitioner's possession, custody, or control, or to the extent that they require
9 Petitioner to search for information in places or from sources other than where such information
10 is kept in the ordinary course of business. Petitioner further objects to these demands to the extent
11 that they seek identification of documents or information that are no longer in existence.

12 12. Petitioner objects to the demands to the extent that they define Petitioner to include
13 third parties that have not appeared in this action or purport to require Petitioner to search for or
14 produce information solely in the possession, custody, or control of third parties.

15 13. Petitioner objects to any Document Request that, by its terms, is (1) unduly
16 burdensome in scope; (2) calls for Respondent to speculate as to the information in which might
17 come within the scope of the Document Request; (3) calls for the production of privileged or
18 confidential material and (4) purports or attempts to impose obligation beyond those set forth in
19 the Federal Rules of Civil Procedure.

20 14. Petitioner objects to the Document Request to the extent they are duplicative of
21 each other. To the extent that documents Petitioner proposes to produce are responsive to more
22 than one Interrogatory or Document Request, Petitioner will list such documents only once, and
23 her failure to describe the documents on multiple occasions shall not be construed as an admission
24 that such documents are not responsive to other Interrogatories or Document Requests.

1 15. Petitioner objects to any and all Document Request to the extent they are
2 argumentative and/or assume or suggest the existence of any fact or circumstance that is (or may
3 in the future be) in dispute in this litigation.

4 16. Petitioner objects to any Document Request to the extent it is compound and/or
5 attempts to treat discrete subparts of a Document Request as a single Document Request.

6 17. Petitioner objects to each Document Request to the extent that it seeks information
7 which is unduly burdensome to obtain and the extent that it is not reasonably calculated to lead
8 to the discovery of admissible evidence, including the request for the identification of "all"
9 documents or "each" and "every" document when all relevant facts can be obtained from fewer
10 than "all" documents or "each" and "every" document.

11 18. Insofar as Petitioner has responded to a demand to which it has objected, Petitioner
12 reserves the right to maintain such objection and such objection is not waived in any respect by
13 the provision of a response.

14 19. To the extent the Petitioner responds to any demand, Petitioner does so without
15 conceding the relevancy or materiality of such information or the subject matter of the applicable
16 demand and without prejudice to Petitioner's right to object to further discovery on such subject
17 matter or to object to the admissibility of any such information at the time of hearing or trial. By
18 reserving such right, Petitioner does not intend to assume a duty to amend these responses other
19 than as required by the FRCP.
20
21
22

23 **SPECIFIC RESPONSES AND OBJECTIONS**

24
25 **REQUEST FOR PRODUCTION NO. 1:**

26 All DOCUMENTS and COMMUNICATIONS identified or referenced in YOUR initial
27 disclosures dated September 5, 2024, or in YOUR responses to any Interrogatories.

28 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

1 Petitioner incorporates his General Objections, Objections to Definitions, and Objections
2 to Instructions in their entirety into this response. Subject to and without waiving the General
3 Objections, Objections to Definitions, Objections to Instructions, Petitioner produces at Folder
4 #1 responsive non-privileged documents and communications referenced in Petitioner's initial
5 disclosures or Answers to Interrogatories that can be identified through a reasonable, good-faith
6 search.

7 **REQUEST FOR PRODUCTION NO. 2:**

8 All COMMUNICATIONS between YOU and each and every witness identified in YOUR
9 initial disclosures dated September 5, 2024.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

11 Petitioner incorporates his General Objections, Objections to Definitions, and Objections
12 to Instructions in their entirety into this response. Petitioner specifically objects to this Request
13 on the grounds that it is not limited by any time frame and, as written, could be understood to
14 require the production of documents, recordings, or information regardless of when they were
15 created or whether they are relevant or proportional to the needs of the case. This Request is
16 vague, ambiguous, overbroad, and unduly burdensome.

17 Subject to and without waiving the General Objections, Objections to Definitions,
18 Objections to Instructions, or the foregoing Specific Objections, Petitioner produces at Folder #2
19 responsive documents that can be identified through a reasonable, good-faith search.

20 **REQUEST FOR PRODUCTION NO. 3:**

21 All DOCUMENTS and COMMUNICATIONS that relate to or reference the physical
22 health, mental health, or YOUR relationship with YOUR CHILDREN from January 1, 2019 to
23 the present, including but not limited to COMMUNICATIONS with individuals connected to
24 YOUR CHILDREN'S school.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

26 Petitioner incorporates his General Objections, Objections to Definitions, and Objections
27 to Instructions in their entirety into this response. Petitioner specifically objects to this Request
28 on the grounds that it is overbroad, unduly burdensome, and not proportional to the needs of the
case because it seeks "all documents and communications" concerning the subject matter of the

1 request. Petitioner further objects to this Request as vague and ambiguous because it is not clear
2 what documents are referred to that relate to the Petitioner's relationship with his children.
3 Petitioner further objects to this Request to the extent that it seeks documents, records, or
4 information available to Respondent from other sources that are more convenient, less
5 burdensome, or less expensive, including Respondent herself. Petitioner further objects to this
6 request as it seeks "communications" with individuals connected to the Children's school, but
7 which school in particular has not been specified and what types of communications have not
8 been specified.

9 Subject to and without waiving the General Objections, Objections to Definitions,
10 Objections to Instructions, or the foregoing Specific Objections, Petitioner produces at Folder #
11 3 responsive documents that relate to the physical and mental health of the children, as well as
12 emails he has sent to individuals that work at the Child Unique School in California, and other
13 documents that can be identified through a reasonable, good-faith search.

14 **REQUEST FOR PRODUCTION NO. 4:**

15 All DOCUMENTS and COMMUNICATIONS that relate to or reference the physical
16 health, mental health, or YOUR treatment in any way of RESPONDENT from January 1, 2019
17 to the present, including but not limited to the list of rules YOU required RESPONDENT to write
18 out to govern her own behavior.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

20 Petitioner incorporates his General Objections, Objections to Definitions, and Objections
21 to Instructions in their entirety into this response. Petitioner specifically objects to this Request
22 on the grounds that it is overbroad, unduly burdensome, and not proportional to the needs of the
23 case because it seeks copies of "all documents and communications" concerning the subject
24 matter of the request. Petitioner further objects to this Request to the extent that it seeks
25 documents and communications that are not in the possession, custody, and control of Petitioner.
26 Petitioner further objects to this Request to the extent that it seeks documents, records, or
27 information available to Respondent from other sources that are more convenient, less
28 burdensome, or less expensive, including Respondent herself.

Subject to and without waiving the General Objections, Objections to Definitions,
Objections to Instructions, or the foregoing Specific Objections, Petitioner produces at Folder #
4 responsive documents that he has that relate to the physical and mental health of the Respondent,

1 and other documents and communications that can be identified through a reasonable, good-faith
2 search.

3 **REQUEST FOR PRODUCTION NO. 5:**

4 All COMMUNICATIONS that relate to or refer to members of RESPONDENT'S family,
5 including but not limited to Jane Khoury, Michel Khoury, Maggie Khoury, and Nabil Khoury.

6
7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

8 Petitioner incorporates his General Objections, Objections to Definitions, and Objections
9 to Instructions in their entirety into this response. Petitioner specifically objects to this Request
10 on the grounds that it is not limited by any time frame and, as written, could be understood to
11 require the production of communications regardless of the time they were sent or whether they
12 are relevant to this case. This Request is vague, ambiguous, overbroad, and unduly burdensome.
13 In responding to this Request, Petitioner will only produce communications with the
14 aforementioned family members from a reasonably and relevant time period.

15 Subject to and without waiving the General Objections, Objections to Definitions,
16 Objections to Instructions, or the foregoing Specific Objections, Petitioner produces at Folder #5
17 responsive documents containing communications with members of Respondent's family that can
18 be identified through a reasonable, good-faith search.

19
20 **REQUEST FOR PRODUCTION NO. 6:**

21 All DOCUMENTS and COMMUNICATIONS that relate to or reference any
22 investigation, inquiry, or warning related to YOU or YOUR conduct that is or has ever been
23 conducted by any governmental or nongovernmental entity.

24
25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

26 Petitioner incorporates his General Objections, Objections to Definitions, and Objections
27 to Instructions in their entirety into this response. Petitioner specifically objects to this Request
28 on the grounds that it is not limited by any time frame and, as written, could be understood to
require the production of communications regardless of the time they were sent or whether they
are relevant to this case. This Request is vague, ambiguous, overbroad, and unduly burdensome.

1 Subject to and without waiving the General Objections, Objections to Definitions,
2 Objections to Instructions, or the foregoing Specific Objections, Petitioner produces at Folder #6
3 responsive documents that can be identified through a reasonable, good-faith search.

4 **REQUEST FOR PRODUCTION NO. 7:**

5 DOCUMENTS sufficient to identify each and every primary residence where YOUR
6 CHILDREN have lived since they were born and the time frames that YOUR CHILDREN resided
7 in each primary residence.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

9 Petitioner incorporates his General Objections, Objections to Definitions, and Objections
10 to Instructions in their entirety into this response.

11 Subject to and without waiving the General Objections, Objections to Definitions,
12 Objections to Instructions, or the foregoing Specific Objections, Petitioner produces at Folder #7
13 responsive documents that can be identified through a reasonable, good-faith search.

14 **REQUEST FOR PRODUCTION NO. 8:**

15 All DOCUMENTS that relate to YOUR contention that YOU and/or YOUR CHILDREN
16 maintained or intended to maintain habitual residence in Armenia, including any and all past or
17 present employment contracts in Armenia.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

19 Petitioner incorporates his General Objections, Objections to Definitions, and Objections
20 to Instructions in their entirety into this response.

21 Subject to and without waiving the General Objections, Petitioner produces at Folder #8
22 responsive documents that can be identified through a reasonable, good-faith search.

23 **REQUEST FOR PRODUCTION NO. 9:**

24 All DOCUMENTS and COMMUNICATIONS relating to the allegations that YOU
25 inflicted physical, mental, and/or emotional harm on RESPONDENT and/or YOUR CHILDREN
26 at any time from January 2024 through April 2024.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

28

1 Petitioner incorporates his General Objections, Objections to Definitions, and Objections
2 to Instructions in their entirety into this response.

3 Subject to and without waiving the General Objections, Petitioner produces at Folder #9
4 responsive documents that can be identified through a reasonable, good-faith search.

5 **REQUEST FOR PRODUCTION NO. 10:**

6 All DOCUMENTS and COMMUNICATIONS that relate to YOUR contention that YOU
7 actually exercised custody rights over YOUR CHILDREN in April 2024.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

9 Petitioner has no documents responsive to this request.

10
11
12 Dated: September 25, 2024

13 Respectfully submitted,

14 /s/ Kelly J. Shindell DeLacey

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